

DICKINSON WRIGHT RLLP  
Mark H. Rogge (SBN 298381)  
615 National Ave, Suite 220  
Mountain View, CA 94043  
Telephone: (408) 701-6200  
Facsimile: (844) 670-6009  
[mrogge@dickinsonwright.com](mailto:mrogge@dickinsonwright.com)

DICKINSON WRIGHT PLLC  
Christopher A. Mitchell  
(Admitted *pro hac vice*)  
200 Ottawa Ave NE, Suite 1000  
Grand Rapids, MI 49503  
(616) 336-1058  
[cmitchell@dickinsonwright.com](mailto:cmitchell@dickinsonwright.com)

DICKINSON WRIGHT PLLC  
John S. Artz (Admitted *pro hac vice*)  
350 S. Main Street, Suite 300  
Ann Arbor, MI 48104  
(248) 433-7200  
[jsartz@dickinsonwright.com](mailto:jsartz@dickinsonwright.com)

*Attorneys for Plaintiff  
Cellulose Material Solutions, LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CELLULOSE MATERIAL SOLUTIONS,  
LLC

Plaintiff,

v.

SC MARKETING GROUP, INC.,

Defendant.

CASE NO.: 3:22-cv-03141-LB

**DECLARATION OF CHRISTOPHER  
MITCHELL IN SUPPORT OF  
PLAINTIFF CELLULOSE MATERIAL  
SOLUTIONS, LLC'S SUPPLEMENTAL  
BRIEFING RESPECTING  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT OF  
INVALIDITY (Dkt. 141)**

DATE: March 28, 2024

TIME: 9:30 A.M.

PLACE: Courtroom B – 15<sup>th</sup> Floor,

JUDGE: Hon. Laurel Beeler

DECLARATION OF  
CHRISTOPHER A. MITCHELL

1 I, Christopher A. Mitchell, declare as follows:

2 1. I am a member of the law firm Dickinson Wright, PLLC, counsel to Plaintiff  
3 Cellulose Material Solutions, LLC (“CMS”) in the above-captioned litigation. I am a member in  
4 good-standing of the State Bar of Michigan and am admitted to practice pro hac vice in the District  
5 Court for the Northern District of California, where the above-captioned lawsuit is pending.  
6

7 2. The statements made herein are based on facts known to me personally. If called  
8 upon to testify to the same, I could do so competently.

9 3. Attached as **Exhibit 15** is true and correct copy of the Defendant SC Marketing  
10 Group, Inc. dba Thermal Shipping Solutions (“TSS”) marketing material for the RENEWLINER  
11 product, bearing TSS Bates Nos. TSS\_00000739.  
12

13 4. Attached as **Exhibit 16** is a true and correct copy of an email chain between CMS  
14 and TSS, dated between November 9-10, 2015, and bearing Bates Nos. CMS0006181-6182  
15 **[FILED UNDER SEAL]**.

16 5. Attached as **Exhibit 17** is a true and correct copy of a CMS Budgetary Quote  
17 accompanying the email of Exhibit 16 as an attachment, dated November 10, 2015, and bearing  
18 Bates No. CMS0006183 **[FILED UNDER SEAL]**.  
19

20 6. Attached as **Exhibit 18** is a true and correct copy of the Declaration of Kevin  
21 Chase, General Manager of CMS, including Exhibits A-E referenced therein.

22 7. Accompanying the Declaration of Kevin Chase as **Exhibit A** is a true and correct  
23 copy of a photograph bearing Bates No. CMS00002216.

24 8. Accompanying the Declaration of Kevin Chase as **Exhibit B** is a true and correct  
25 copy of an email chain between CMS and TSS, dated between December 28, 2015, and January  
26 5, 2016, and bearing Bates Nos. CMS0032635-CMS0032640.  
27  
28

DECLARATION OF  
CHRISTOPHER A. MITCHELL

1           9.       Accompanying the Declaration of Kevin Chase as **Exhibit C** is a true and correct  
2 copy of an email chain between CMS and TSS, dated between January 27, 2016, and February 1,  
3 2016, and bearing Bates Nos. CMS0015266-CMS0015268 [**FILED UNDER SEAL**].

4           10.      Accompanying the Declaration of Kevin Chase as **Exhibit D** is a true and correct  
5 copy of an email chain between CMS and TSS, dated between December 12, 2015, and January  
6 7, 2016, and bearing Bates Nos. CMS002697-CMS002700 [**FILED UNDER SEAL**].

7           11.      Accompanying the Declaration of Kevin Chase as **Exhibit E** is a true and correct  
8 copy of a photograph bearing Bates Nos. CMS0003142.

9           12.      Attached as **Exhibit 19** is a true and correct copy of an email chain between CMS  
10 and TSS, dated between January 5-6, 2016, and bearing Bates Nos. CMS0032642-0032644  
11 [**FILED UNDER SEAL**].

12           13.      Attached as **Exhibit 20** is a true and correct copy of a CMS Budgetary Quote  
13 accompanying the January 6, 2016, email of Exhibit 19 as an attachment, dated January 6, 2016,  
14 and bearing Bates No. CMS0032645 [**FILED UNDER SEAL**].

15           14.      Attached as **Exhibit 21** is a true and correct copy of a CMS Budgetary Quote  
16 accompanying the January 6, 2016, email of Exhibit 19 as an attachment, dated January 6, 2016,  
17 and bearing Bates No. CMS0032646 [**FILED UNDER SEAL**].

18           15.      Attached as **Exhibit 22** is a true and correct copy of an email chain (Bates Nos.  
19 TSS\_00001376 – TSS\_000013749 which includes an internal TSS email dated February 2, 2016  
20 (Bates No. TSS\_00001376) [**FILED UNDER SEAL**].

21           16.      Attached as **Exhibit 23** is a true and correct copy of an email chain between CMS  
22 and TSS between January 19 and 22, 2016, bearing Bates Nos. CMS001658-CMS001659.  
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